

REFERENCE TITLE: **scholarships; displaced and disabled pupils**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

## **HB 2074**

Introduced by  
Representative Biggs, Senator Gorman: Representatives Barto, Burges,  
McLain

### **AN ACT**

**AMENDING SECTIONS 15-817.02, 15-817.06, 15-891 AND 15-891.04, ARIZONA REVISED STATUTES; RELATING TO SCHOOL FINANCE.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 15-817.02, Arizona Revised Statutes, is amended to  
3 read:

## 15-817.02. Grant eligibility

5           A. A pupil is eligible to receive a grant under this article if the  
6 pupil has been placed in foster care pursuant to title 8, chapter 5 at any  
7 time before the pupil graduates from high school or obtains a general  
8 equivalency diploma.

9       B. A qualifying pupil who receives a grant pursuant to this article  
10 shall continue to receive a grant each year if the qualifying pupil completed  
11 all necessary coursework to be promoted to at least the next grade level in  
12 the grant school, the qualifying pupil is in good academic standing with the  
13 grant school and the custodian completes all applications required by the  
14 grant school and the department.

15 C. The displaced pupils choice grant program is limited to the first  
16 five hundred qualifying pupils annually, including qualifying pupils pursuant  
17 to subsection B of this section.

18 Sec. 2. Section 15-817.06, Arizona Revised Statutes, is amended to  
19 read:

## 15-817.06. Displaced pupils choice grant fund

21       A. The displaced pupils choice grant fund is established. FOR EACH  
22 FISCAL YEAR THE DEPARTMENT OF EDUCATION SHALL REQUEST A SEPARATE LINE ITEM  
23 APPROPRIATION BASED ON THE ESTIMATED TOTAL PER PUPIL COSTS OF FUNDING THE  
24 SCHOLARSHIP PROGRAM IN THE BUDGET ESTIMATE SUBMITTED PURSUANT TO SECTION  
25 35-113. THE LEGISLATURE SHALL ANNUALLY APPROPRIATE TO THE DEPARTMENT AN  
26 AMOUNT SUFFICIENT TO CARRY OUT THE STATE'S OBLIGATION PURSUANT TO THIS  
27 ARTICLE. The department shall administer the fund. Monies in the fund are  
28 continuously appropriated. Monies in the fund shall be used for displaced  
29 pupils choice grants pursuant to this article.

30 B. Monies in the fund are exempt from the provisions of section 35-190  
31 relating to lapsing of appropriations until June 30, 2008.

32 Sec. 3. Section 15-891, Arizona Revised Statutes, is amended to read:

**15-891. Arizona scholarships for pupils with disabilities program; definitions**

35           A. The Arizona scholarships for pupils with disabilities program is  
36 established to provide pupils with disabilities with the option of attending  
37 any public school of the pupil's choice or receiving a scholarship to any  
38 qualified school of the pupil's choice.

39           B. The parent of a public school pupil with a disability who is  
40 dissatisfied with the pupil's progress may request and receive from the state  
41 a scholarship for the child to enroll in and attend any qualified school in  
42 accordance with this section if both of the following apply:

43           1. The child has spent the prior school year in attendance at a public  
44 school in this state.

1       2. The parent has obtained acceptance for admission of the pupil to a  
2 qualified school that is eligible for the program under this article and has  
3 notified the school district of the request for a scholarship at least sixty  
4 days before the date of the first scholarship payment. The parental  
5 notification must be through a communication directly to the school district  
6 or through the department of education to the school district in a manner  
7 that creates a written or electronic record of the notification and the date  
8 of receipt of the notification.

9       C. This section does not apply to a pupil who is enrolled in the state  
10 educational system for committed youth pursuant to chapter 11.1 of this  
11 title.

12      D. A scholarship awarded pursuant to this article remains in force  
13 until the pupil returns to a public school or graduates from high school,  
14 except that the pupil's parent may remove the pupil from the qualified school  
15 at any time and place the pupil in another qualified school that is eligible  
16 for participation in the Arizona scholarships for pupils with disabilities  
17 program or in a public school as provided in this article.

18      E. Notwithstanding the enrollment policies or desegregation provisions  
19 prescribed in article 1.1 of this chapter, a school district or charter  
20 school shall enroll any child pursuant to this article.

21      F. For the purposes of this article:

22       1. "Pupil with a disability" means a child with a disability as  
23 defined in section 15-761 who has been issued an individualized education  
24 program as defined in section 15-761 **OR A PUPIL WITH A SECTION 504 PLAN**.

25       2. "Qualified school" means a nongovernmental primary school or  
26 secondary school or a preschool for handicapped students that is located in  
27 this state and that does not discriminate on the basis of race, color,  
28 handicap, familial status or national origin.

29       3. "**SECTION 504 PLAN**" MEANS A WRITTEN STATEMENT DEVELOPED FOR A PUPIL  
30 WITH A DISABILITY THAT INCLUDES THE PROVISION OF REGULAR OR SPECIAL EDUCATION  
31 AND RELATED AIDS AND SERVICES, INCLUDING ASSISTIVE TECHNOLOGY, THAT IS  
32 DESIGNED TO MEET INDIVIDUAL EDUCATIONAL NEEDS IN ACCORDANCE WITH 34 CODE OF  
33 FEDERAL REGULATIONS PART 104.

34      Sec. 4. Section 15-891.04, Arizona Revised Statutes, is amended to  
35 read:

36       15-891.04. **Scholarship funding and payment; fund; liability;**  
37                   **rules**

38       A. The maximum scholarship granted for a pupil with a disability shall  
39 be equivalent to the base support level prescribed in section 15-943 for that  
40 particular pupil.

41       B. The amount of any assessment fee required by the participating  
42 qualified school may be paid from the total amount of the scholarship. The  
43 amount of the Arizona scholarship shall be the lesser of:

44       1. The amount prescribed in subsection A of this section.

1       2. The amount of the qualified school's tuition and fees or the actual  
2 per pupil costs, whichever is greater.

3       C. If the participating qualified school requires partial payment of  
4 tuition before the start of the academic year to reserve space for pupils  
5 admitted to the school, a partial scholarship payment may be paid by the  
6 department of education before the first quarterly payment of the year in  
7 which the Arizona scholarship is awarded, up to a maximum of one thousand  
8 dollars, and the amount of this payment shall be deducted from subsequent  
9 scholarship payments. If a pupil decides not to attend the participating  
10 qualified school, the partial reservation payment shall be returned to the  
11 department of education by the participating qualified school. A pupil shall  
12 not be awarded more than one reservation payment per year.

13     D. The school district shall report to the department of education all  
14 pupils who are attending a qualified school under the scholarship program  
15 offered pursuant to this article.

16     E. The Arizona scholarships for pupils with disabilities program fund  
17 is established consisting of monies appropriated for this purpose. FOR EACH  
18 FISCAL YEAR THE DEPARTMENT OF EDUCATION SHALL REQUEST A SEPARATE LINE ITEM  
19 APPROPRIATION BASED ON THE ESTIMATED TOTAL PER PUPIL COSTS OF FUNDING THE  
20 SCHOLARSHIP PROGRAM IN THE BUDGET ESTIMATE SUBMITTED PURSUANT TO SECTION  
21 35-113. THE LEGISLATURE SHALL ANNUALLY APPROPRIATE TO THE DEPARTMENT AN  
22 AMOUNT SUFFICIENT TO CARRY OUT THE STATE'S OBLIGATION PURSUANT TO THIS  
23 ARTICLE. The department of education shall administer the fund. Monies in  
24 the fund are continuously appropriated. Following notification of the number  
25 of program participants in the scholarship program, the department of  
26 education shall transfer from the fund the amount calculated under subsection  
27 A of this section in quarterly installments to the parents of pupils who  
28 participate in the scholarship program. When a pupil enters the scholarship  
29 program, the department of education shall receive all documentation required  
30 for the pupil's participation, including the qualified school's and pupil's  
31 fee schedules, at least thirty days before the first quarterly scholarship  
32 payment is made for the pupil. The department of education shall not make  
33 any retroactive payments from the fund.

34     F. On proper documentation reviewed and approved by the department of  
35 education, the superintendent of public instruction shall make scholarship  
36 payments in four equal quarterly installments on dates selected by the  
37 department of education. The initial payment shall be made after the  
38 department of education verifies that the pupil has been accepted for  
39 admission at the qualified school, and subsequent payments shall be made on  
40 verification of continued enrollment and attendance at the qualified school.  
41 Payment shall be by individual warrant payable to the pupil's parent and  
42 mailed by the department of education to the qualified school of the parent's  
43 choice, and the parent shall restrictively endorse the warrant to the  
44 qualified school for deposit into the account of the qualified school.

1       G. Liability shall not arise on the part of the state based on the  
2 award or use of an Arizona scholarship.

3       H. The state board of education may adopt rules to carry out the  
4 purposes of this article, except that the inclusion of eligible qualified  
5 schools in the scholarship program shall not be construed to expand the  
6 regulatory authority of this state or its officers or any school district to  
7 impose any additional regulation of qualified schools.